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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/760,163

01/20/2004

Marc Duane Strickland

DCC-001

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24337 7590 02/12/2007  
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EXAMINER

PETTITT, JOHN F

ART UNIT

PAPER NUMBER

3744

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/760,163

**Applicant(s)**

STRICKLAND ET AL.

**Examiner**

John Pettitt

**Art Unit**

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/9/2006.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

**Claims 8, 17, and 24** are objected to because of the following informalities:

**In regard to claim 8**, the recitation "the handle" (line 2) should read --the handles--.

**In regard to claim 17**, the recitation "the handle" (line 2) should read --the handles--.

**In regard to claim 24**, the recitation "the handle" (line 2) should read --the handles--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Petri (US 2,338,455) in view of Wandel (US 1,732,996) and Booth (US 2,706,508).

**In regard to claims 5-24**, Petri teaches an apparatus comprising an outer housing shell (10); an inner housing shell (coaxial shell adjacent and interior to 10; hereafter referred to as the inner shell) disposed within the outer housing shell (10) and coupled thereto to form an outer reservoir (interior to inner shell), wherein the inner and outer housing shells comprise a housing (together they form a housing), and

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wherein the housing has an approximately circular cross-section (Fig. 1-4); a foam insulation layer (11) injected between the inner and outer shells; an inner core (16) residing within the inner shell to form an inner reservoir (interior of 16); a pair of handles (handles on 14) coupled to the outer shell to facilitate lifting of the double cooler apparatus (capable of so facilitating); a vent spout (26; column 2, lines 25-26) in fluid communication with the inner reservoir; a drain spout (29) in fluid communication with the inner reservoir; and a lid (12) for closing the housing, the lid having an outer seal (13) adjacent a periphery (periphery of lid or housing adjacent to the sealing member 13) thereof to seal the outer reservoir and an inner seal (24) to seal the inner reservoir, wherein, when the lid (12) is fully engaged with the housing, both the inner and outer reservoirs are sealed by the inner and outer seals and the vent spout and drain spout are closed (as shown in Fig. 1), and wherein, when the lid (12) is lifted from full engagement, the vent spout (26) and drain spout (29) are revealed to permit draining the inner reservoir through the drain spout (29) and venting through the vent spout to facilitate the draining, without permitting fluid communication between the inner and outer reservoirs; and means for coupling the lid to the outer shell wherein the means for coupling the lid to the outer shell comprises a tie (wire on 14) coupling the lid (12) to the handles (14).

Petri does not disclose a cup holder bracket coupled to the outer shell, or a first and second tap. However, it is old in the art to provide first and second taps to the outer and inner reservoirs as shown by Wandel (Fig. 1-2) for the purpose of allowing the container to dispense fluid from the bottom of both reservoirs. Therefore, it would have

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been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the cooler of Petri with the taps of Wandel for the purpose of dispensing fluid from the bottom of the inner and outer reservoirs so that fluids could be dispensed from the reservoirs while the cooler is upright.

In addition, it is common in the art to supply such containers with cup holder brackets as taught by Booth (Fig. 1) for the purpose of providing conveniently accessible cups to a user. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the combined cooler of Petri and Wandel with a cup holder bracket for the purpose of providing cups to a user.

While the prior art cited does not explicitly state the size or capacity of the components, (i.e. the inner reservoir having a fluid capacity of approximately two gallons and the inner housing shell with the inner core in place having a fluid capacity of approximately five gallons), it should be noted that absent a showing in the specification that such limitations have specific criticality and provide unexpected results, they are regarded as obvious fluid capacity ranges as coolers are generally sold at a variety of sizes (say 1-10 gallons) and one of ordinary skill in the art would have been able to determine appropriate sizes for the reservoirs based on the target consumer and planned usage.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pettitt whose telephone number is 571-272-0771. The examiner can normally be reached on M-F 8a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFP III  
January 25, 2007

  
CHERYL TYLER  
SUPERVISORY PATENT EXAMINER